

REMARKS

Claims 1- 22 remain pending in the application.

ALLOWED claims 18-22

The Applicant thanks the Examiner for the indication that claims 18-22 are allowed.

Objection to Disclosure

In the Office Action, the specification was objected to for a noted informality. The specification is amended herein to correct the typographical error regarding the reference numeral for the data period detector 109. It is respectfully requested that the objection now be withdrawn.

Claims 1-4 over Chapman

In the Office Action, claims 1-4 were rejected under 35 USC 102(e) as allegedly being anticipated by U.S. Pat. No. 6,233,245 to Chapman et al. ("Chapman"). The Applicant respectfully traverses the rejection.

Claims 1-4 recite not only a data rate detector to detect a data rate of a data stream, but importantly, also a periodicity detector to detect a periodicity between data packets from a particular source.

The Examiner cites Chapman's data type determination 500 (coll 5, lines 62-65 as 'representing' both a data rate detector and a periodicity detector. (Office Action at 3) This particular passage is reproduced herein:

The bandwidth control mechanism includes a data type determination functional bloc 500 designed to determine the type of data carried by an IP data packet received by the router. (emphasis added)

Chapman clearly indicates and instructs that the data type determination function block 500 (which the Examiner cites in the instant case) determines a TYPE of data. Chapman fails to disclose determination of a PERIODICITY BETWEEN data packets, as specifically recited and required by claims 1-4. Periodicity as

claimed is not a type of data, but rather based on an amount of time BETWEEN packets of the data.

For at least all the above reasons, claims 1-4 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 5-17 over Chapman in view of Haddock

Claims 5-17 were rejected under 35 USC 103(a) as allegedly being obvious over Chapman in view of U.S. Pat. Publ. No. US2004/0081093 ("Chapman"). The Applicant respectfully traverses the rejection.

Claims 5-7 recite not only a data rate detector to detect a data rate of a data stream, but importantly, also a periodicity detector to detect a periodicity between data packets from a particular source. Claims 8-17 recite determining a data rate, and determining a periodicity of a receipt of packets in the data flow.

As discussed above, Chapman clearly indicates and instructs that the data type determination function block 500 (which the Examiner cites in the instant case) determines a TYPE of data. Chapman fails to disclose determination of a PERIODICITY BETWEEN data packets, as specifically recited and required by claims 5-17. Periodicity as claimed is not a type of data, but rather based on an amount of time BETWEEN packets of the data.

The Examiner agrees that "Chapman does not explicitly disclose a source address and destination address as a media access control address, internet protocol address, or transport control protocol." (Office Action at 4) In support of these allegations, the Examiner cites Haddock, page 3, paragraph 35).

Nevertheless, even with Haddock combined with the teachings of Chapman (even if proper), STILL fails to disclose, teach or suggest a periodicity detector to detect a periodicity between data packets from a particular source as claimed by claims 5-7, or determining a data rate, and determining a periodicity of a receipt of packets in the data flow as claimed by claims 8-17.

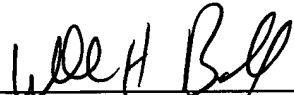
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For at least all the above reasons, claims 5-17 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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